

REMARKS

Favorable consideration and allowance are requested for claims 1-5, 8, and 10-13 in view of the following remarks.

Status of the Application

Claims 1-5, 8, and 10-13 are pending in this application. Claims 2-6 and 8-10 were objected to due to certain informalities. Claims 1, 2, 4, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,958,974 to Prehofer (the “Prehofer patent”) in view of Japanese Patent Publication No. 2003-249945 to Yamamoto *et al.* (the “Yamamoto publication”). Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prehofer patent in view of the Yamamoto publication and further in view of U.S. Patent No. 7,245,610 to Kalmanek *et al.* (the “Kalmanek patent”). Claims 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prehofer patent in view of the Yamamoto publication and further in view of the Kalmanek patent and U.S. Patent Publication No. 2005/0147052 to Wu (the “Wu publication”). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prehofer patent in view of the Yamamoto publication and further in view of the Wu publication. Claim 7 was previously cancelled. Claims 6 and 9 have been cancelled by way of the present amendment. Claims 1-5, 8, and 10 have been amended. Claims 11-13 have been added.

Objections to the Claims

According to the Office Action, several claims had certain informalities. Applicants respectfully submit that these objections are moot in light of the amendments to the claims.

Rejections under 35 U.S.C. § 103(a)

According to the outstanding Office Action, claims 1, 2, 4, and 10 are rendered obvious by the combination of the Prehofer patent in view of the Yamamoto publication. In response, Applicants respectfully submit that the rejection of independent claim 1 should be withdrawn in light of the amendments thereto and for at least the reasons stated herein.

In particular, Applicants respectfully assert that elements DK and ZK in Figure 1 of the Prehofer patent are not local area networks. As the specification of the Prehofer patent indicates, DK is computer, and ZK is an access node. See Prehofer patent at col. 5, line 1 and col. 4, line 57, respectively. ZW1 and ZW4 in Prehofer are part of a packet-switching network, but DK and ZK are part of it as well. See Prehofer patent at Fig. 1. Therefore, the Prehofer patent does not disclose “at least two local area networks.” Further, as the Prehofer patent does not disclose “at least two local area networks,” it does not and cannot disclose “determining an acceptable packet loss rate for a call which is to be established between two of the local area networks.”

Additionally, although the Prehofer patent discloses a comparison between two grades to determine what to do with data packets, the comparison in the

Prehofer patent is used to change the quality class or the priority class in accordance with predetermined rules to allow the call to be transmitted. It does not, however, determine whether the call is to be dropped before it is actually established. Still further, although the Prehofer patent discloses changing the priority of the transmission, it does not disclose a link between a change in priority and the dropping of calls.

Applicants respectfully assert that the Yamamoto publication does not disclose or suggest the subject matter of independent claim 1 missing from the Prehofer patent. In particular, the Yamamoto publication relates to a method of guaranteeing voice quality when time-based billing is carried out in an internet telephony service. When the packet loss rate per unit time of each session exceeds a threshold value, the call is either made non-billable, or the call is disconnected so that a time-based charge is not generated by the call processing server when the voice quality has deteriorated. In this case, the call is already established, and the decision to drop the call is made while the call is in progress and not prior to the call being established. This is in contrast to the present invention where the call is dropped before it is established if the actual packet loss rate is greater than the acceptable packet loss rate.

Therefore, the Prehofer patent and Yamamoto publication, either alone or in combination, fail to disclose or suggest the subject matter of independent claim 1, and, therefore, the rejection should be withdrawn. For at least the

same reasons, Applicants respectfully submit that the rejection to claim 2 should also be withdrawn.

The Office Action still further stated that the combination of the Prehofer patent in view of the Yamamoto publication, the Kalmanek patent, and Wu publication renders claims 5 and 8 obvious. In response, Applicants respectfully submit that the Wu patent neither discloses nor suggests the subject matter of independent claim 1 missing from the Prehofer patent, the Yamamoto publication, and the Kalmanek patent. Therefore, the rejection of claim 8 should also be withdrawn.

With respect to new claims 12 and 13, as well as amended claim 10, which now depends from claim 12, and amended claims 3-5, which now depend from claim 13, Applicants respectfully submit that none of the cited references, either alone or in combination, disclose or suggest the subject matter of those claims. Therefore, Applicants respectfully submit that these claims are also in condition for allowance.

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If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket # 038665.56185US).

Respectfully submitted,

Date: January 25, 2010

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